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To:	Mr. Derek Woods	From:	Robert E. Goozner
Fax:	703-872-9306	Date:	January 10, 2005
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Your Ref.:	Appln. No. 09/977,375	Our Ref.:	2185-0578P
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☒ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

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Comments: **As you suggested, attached is a copy of the Petition to Withdraw Abandonment filed September 27, 2004, as well as a copy of the stamped postcard receipt.**

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Papers Filed herewith on: 9-27-04DOCKET NO.: 2185-5787ATTY: ADRI REG 62APPLICANT(S): H. OAO et alAPPLN. NO: 09/477,375FILED: 10-16-01

PAT NO.:

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.114(PCE)

☐ Specification Consisting of:☐ Combined Declaration & Power of Attorney☐ Assignment / Cover Letter☐ Letter to Official Draftsman☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink☐ Completion of Filing Requirements, PCT/PO/EO/905☐ or Formalities Letter and Executed Declaration☐ Priority Document(s) / Cover Letter, No. Doc. _____☐ Amendment:☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity☐ Response☐ Information Disc Stmt, PTO-1449(s) _____ doc(s)☐ PTO/ISA/210☐ Notice of Appeal☐ Appeal Brief☐ Issue Fee Transmittal☐ Sequence Listing☐ FEES:☐ Letter:☒ Other: Petition to withdraw abandonmentCopy of Appeal Brief filed 7-19-04Copy of amended petition received

Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS

Due Date: 9-27-04

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DOCKET NO. 2185-5787

JAN. 10. 2005 9:50AM

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JAN 10 2005

NO. 060 P. 3

MS PETITION
PATENT
2185-0578P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Yoshinobu ONO et al. Conf.: 3053
Appl. No.: 09/977,375 Group: 2811
Filed: October 16, 2001 Examiner: JUNGWHA IM
For: 3-5 GROUP COMPOUND SEMICONDUCTOR AND
LIGHT-EMITTING ELEMENT

PETITION TO WITHDRAW ABANDONMENT
SINCE REPLY WAS TIMELY FILED

MS PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 27, 2004

Sir:

In response to the Notice of Abandonment mailed July 28, 2004, which issued in connection with the above-identified application, this is a Petition to withdraw the "abandonment status" of the present application, since a Reply was timely filed on July 19, 2004.

1. EVIDENCE

As evidence of the fact that a Reply was timely filed, enclosed herewith are the following:

- a copy of the Reply filed July 19, 2004; and
- a copy of the postcard receipt which was date-stamped on July 19, 2004.

2. TERMINAL DISCLAIMER

- ☒ The present application was filed on or after May 29, 2000. Accordingly, no Terminal Disclaimer is necessary. It is noted that the present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no reduction in patent term adjustment should be made, in accordance with the provisions of 37 C.F.R. § 1.704(c)(4).
- ☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no Terminal Disclaimer under 37 C.F.R. § 1.321(a) is necessary. See MPEP § 711.03(c).
- ☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being filed more than two (2) months from the mailing date of the Notice of Abandonment. Accordingly, a Terminal Disclaimer under 37 C.F.R. § 1.321(a) and the required fee set forth in 37 CFR 1.20(d) are being submitted concurrently herewith. The period being disclaimed is equivalent to the period between (1) the date that is two months after the mail date of the notice of abandonment and (2) the filing date of the present petition to withdraw the holding of abandonment. See MPEP § 711.03(c).

It is requested that the abandonment status of the present application be immediately removed so that prosecution may resume with full consideration and entry into the record of the timely filed Reply.

If the U.S. Patent Examiner has any questions regarding the above matters, please contact Applicants' representative, Robert E. Goozner, Ph.D., at the phone number listed below.

It is submitted that no fees are required for filing this Petition, since the error occurred because of a mistake on the part of the U.S. Patent and Trademark Office.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868


ADM/REG:jls
2185-0578P

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Attachments: Copy of Reply
Copy of postcard receipt

(Rev. 08/19/2004)

NO. 060 P. 6

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7-19-04
 Papers Filed herein on:
 DOCKET NO.: 2185-5787
 APPLICANT(S): U-ON0 et al
 APPLN. NO.: 09/977,375
 FILED: 10-16-01
 PAT NO.:
☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.114(RCE)
☐ Specification Consisting of: _____ pages
☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☐ Completion of Filing Requirements, PCT/DO/EO/905
 or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment:
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
☐ Response
☐ Information Disc Stmtnl PTO-1449(s) _____ doc(s)
☐ PTO / ISA / 210
☐ Notice of Appeal
☐ Issue Fee Transmittal
☒ FEES: 2340⁰⁰ C/H 7080⁰⁰
☐ Letter:
☐ Other:
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